IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

NO. 7:10-CV-233-FL

HENRY JOHNSON WILLIAMS,)	
Plaintiff,)	
v.)	ORDER
UNITED STEELWORKERS OF AMERICA LOCAL 1481,)))	
Defendant.)	

This matter comes before the court on the memorandum and recommendation ("M&R") of Magistrate Judge Robert B. Jones Jr., pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b). The magistrate judge recommends that the court dismiss plaintiff's *in forma pauperis* complaint under 28 U.S.C. § 1915(e)(2). No objections to the M&R have been filed.

Plaintiff filed an application to proceed *in forma pauperis* in this action on November 12, 2010. The magistrate judge granted the application by order entered December 6, 2010. However, the magistrate judge recommended that plaintiff's Title VII action be dismissed because plaintiff's complaint does not clearly indicate whether he has filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") and because plaintiff failed to include his right-to-sue letter. The magistrate judge recommends that this dismissal be without prejudice to allow plaintiff to attempt to cure these jurisdictional defects.

Absent a specific and timely filed objection, the court reviews a magistrate judge's recommendation under 28 U.S.C. § 636(b) only for "clear error," and need not give any explanation

for adopting the M&R. <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005); <u>Camby v. Davis</u>, 718 F.2d 198, 200 (4th Cir.1983). The court has carefully considered the complaint, the magistrate judge's analysis, and agrees with the magistrate judge's conclusion. Accordingly, the court ADOPTS the M&R (DE # 3) as its own. This action is accordingly DISMISSED without prejudice.

SO ORDERED, this the 14 day of January, 2011.

LOUISE W. FLANAGAR

Chief United States District Judge